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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/885,698	06/20/2001	Santhana Krishnamachari	US 010296	4263	
24737	7590 07/29/2004		EXAMINER		
	PHILIPS INTELLECTUAL PROPERTY & STANDARDS			LAMARRE, GUY J	
P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			ART UNIT	PAPER NUMBER	
			2133		
			DATE MAILED: 07/29/2004		

Please find below and/or attached an Office communication concerning this application or proceeding.

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Application No.   Applicating No.   Og/885,698   KRISHNAMACHARI, SANTHANA	•		Q /				
## Examiner   Guy J. Lamsre, P.E.   2133  ## Fried for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  **Statesians of time may be available under the provisions of 37 CPF. 1.13(b). In or event, however, may a rapy be timely filled  ## The priod for reply specified above, the mannimus statutory priod will apply and will egiple SIX (0) MON THO limits filled  ## The priod for reply specified above, the mannimus statutory priod will apply and will egiple SIX (0) MON THO limits filled  ## The priod for reply specified above, the mannimus statutory priod will apply and will egiple SIX (0) MON THO limits filled  ## The priod for reply specified above, the mannimus statutory priod will apply and will egiple SIX (0) MON THO limits filled  ## The priod for reply specified above, the mannimus statutory priod will apply and will egiple SIX (0) MON THO limits filled  ## The priod for reply specified above, the mannimus statutory priod will apply and will egiple SIX (0) MON THO limits filled  ## The priod for reply specified above, the mannimus statutory priod will apply and will egiple SIX (0) MON THO limits filled  ## The priod for reply specified above, the mannimus statutory priod will apply and will egiple SIX (0) MON THO limits filled  ## The priod for reply specified above, the mannimus statutory priod will be considered to the communication.  ## The priod filled fille		Application No.	Applicant(s)				
Guy J. Lamarre, P.E. 2133	Office Action Summany						
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Edutations of time may be available used the provisions of 3 CFR 1.138(a). In or event, however, may a reply be timely filled to the provisions of 3 CFR 1.138(a). In or event, however, may a reply be timely filled to the provisions of 3 CFR 1.138(a). In or event, however, may a reply be timely filled to the provision of the provision of 3 CFR 1.138(a). In or event, however, may a reply be timely filled to the provision of the provisi	Office Action Summary						
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Educations of time may be available under the provisions of 37 CFR 1.35(a), in ne event, however, may a reply be limbly filed.  Education of time may be available under the provisions of 37 CFR 1.35(a), in ne event, however, may a reply be limbly filed.  Education of the major be available under the provisions of 37 CFR 1.35(a), in ne event, however, may a reply be limbly filed.  Education of the provision be set as major and the provision of the provision of the filed provision of the foreign lands of the cameration of thirty (30) days will be considered dimely.  If No period for reply is specified above, the maximum statutory period will apply and will acquire 31 (6) MONTHS from the maining date of this communication.  Pallow to reply whethis the set recently allowed the provision of the provisio	The MAN INO DATE of this communication on						
THE MAILING DATE OF THIS COMMUNICATION.  Extensions of them may be available under the provisions of 37 CFR 1.13(d), in no event, however, may a reply be limbly filed after 5X (6) MONTHS from the mailing date of this communication.  If the prodoid on prely precified one is the shall provided by white the studied vision in the mailing date of the communication.  Failwho prodoid on prely precified the state than these months of the communication is the provided one of the communication. Failwhole of the state of the communication is provided by the Chief and the mailing date of the communication, even if timely filed, may reduce any state of the communication is not contained patient term also qualitative than the mailing date of the communication, even if timely filed, may reduce any state that the mailing date of the communication, even if timely filed, may reduce any state that the mailing date of the communication, even if timely filed, may reduce any state that the mailing date of the communication, even if timely filed, may reduce any state that the mailing date of the communication, even if timely filed, may reduce any state that the provided patient time adjustment. See 37 CFR 1.794(s).  Status  1)[2] Responsive to communication (s) filed on 4/09/04 and 4/30/04 and 4/30/04.  2a) This action is FINAL. 2b)[2] This action is non-final.  3] Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quay/le, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)[2] Claim(s) 1 and 3-16 is/are pending in the application.  4a) Of the above claim(s) 1 is available to the application.  4a) Of the above claim(s) 1 is available to the application.  4b) Claim(s) 1 is available to the application of Claims  4claim(s) 1 is available to the application of Claims  4claims(s) 1 is available to the application of Claims(s) 1 is available to the application of Claims(s) 1 is available to the application of Claims(s) 1 i		pears on the cover sheet with the	correspondence address				
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## **GENERAL OFFICE ACTION**

- 1.0 A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed on 4/30/04 in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission of 4/09/04 has been entered.
- 1. This office action is in response to Applicants' submission of 4/09/04.
- 1.1 Claim 2 is cancelled, Claim 1 is amended. Claims 1 and 3-16 remain pending.
- 1.2 The prior art rejections to Claims 1 and 3-16 of record are maintained.

## **Response to Arguments**

2. Applicants' arguments of 4/09/04 have been fully considered, but are not persuasive.

## **REMARKS**

- 2.1 In penultimate para. at page 5 of response, Applicants wonders whether Tanaka discloses error correction insertion as formulated in the 1<sup>st</sup> office action. Examiner maintains that such insertion means is disclosed in Tanaka. Data partitioning into subsets is taught in more detail in Seshadri, hence the reason behind combining the two references.
- 2.2 In para. 2 at page 6, Applicants concede that **Tanaka** discloses that packet length changes according to information content of each media information or equivalently, packet length changes in proportion of, or according to, information content of each media information, or packet length is a function of information content of each media information. In other words, data fields vary in proportion with the amount of media information to be transferred.

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2.3 In para. 2 at page 6, Applicants arguments, re: Tanaka's length variations based on current conditions or backlog, are rather selective because Tanaka's length variations are not so limited: as indicated by Tanaka, length variations may be 'as well' 'coped with by the present invention.'

At para 98 of **Tanaka** describes multimedia data packet comprising A1 voice bits, A2 data bits and A3 image bits: A1=A2=A3 implies equal proportion, else there is unequal proportion. At any rate, the packet length is still a function of, or proportional to, the size of each of the plural media streams.

Criteria for selection of a coefficient of proportionality are a matter of design choice or of balancing a plurality of trade-offs as also supported by newly discoved related prior art in **Lang** (US Pat. # 5,920,581) e.g. at col. 3 line 3 et seq.

Examiner also notes that ECC length is proportional to data length for data to be protected and that a primary objective of ECC design is to optimize such proportionality factor to reduce hardware overhead. Thus a code (encoded data) can be seen as comprising a data field and a ECC field, with each field being proportion to code length.

2.4 In response to applicant's argument, at page 7, that the examiner's conclusion of obviousness is based upon improper/impermissible hindsight reasoning, Examiner notes that it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

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Examiner thus maintains that Claims 1 and 3-16 are unpatentable over the prior art of

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record.

Conclusion

3.1 The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

3.2 Any response to this action should be mailed to:

Commissioner of Patents and Trademarks, Washington, D.C. 20231

or faxed to: (703) 872-9306 for all formal communications.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington,

VA, Fourth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should

be directed to Guy J. Lamarre, P.E., whose telephone number is (703) 305-0755. The examiner can

normally be reached on Monday to Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert

De Cady, can be reached at (703) 305-9595.

Any inquiry of a general nature or relating to the status of this application or proceeding should

be directed to the Group receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may also be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications may be

obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is

available through Private PAIR only. For more information about the PAIR system, see

http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Guy J. Lamarre, P.E

Primary Examiner

7/11/04